



FREMONT PLANNING BOARD

March 17, 2010

Meeting Minutes

Approved March 24, 2010

Present: Chairman Roger Barham, Co-Chair and CC Rep. John (Jack) Karcz, Selectman Brett Hunter, Alt./ Building Official Thom Roy, RPC Circuit Rider Brian Groth, and Land Use AA/Recording Secretary Meredith Bolduc.

Mr. Barham opened the meeting at 7:05 pm and appointed Mr. Roy as a voting Member for this evening in Mr. J. Downing's stead.

MINUTES

Mr. Karcz made the motion to approve the minutes of the March 3, 2010 meeting as written. Motion seconded by Mr. Hunter with unanimous favorable vote.

CTAP PHASE II- DARK SKIES; FUTURE LAND USE; MASTER AUDIT

Mr. Barham reported that the Board has received a copy of a March 2, 2010 correspondence from Ansel Sanborn (DOT) to Cliff Sinnott of RPC confirming that Fremont's CTAP funding requests have been granted for the Dark Skies Ordinance - \$1,700, Future Land Use Master Plan chapter update and the Master Plan audit = \$5,500. Mr. Groth stated that RPC will be doing the work and billing CTAP directly. The completion timeline is August 1, 2010.

Mr. Groth distributed scope of work sheets relative to the projects. He said that the Future Land Use topic will include information about the Town's new commercial district. It was noted that all property owners in the commercial district and all abutters to that district should be notified of any hearings relative to that topic.

LOTHIAN, RICHARD

The Board received a March 4, 2010 correspondence from Richard Lothian stating that he has installed the septic, water well, fencing and crushed stone area. He stated that if the Board is ready to sign off on the new applications of his auto dealer license and repair dealer plate certifications he will re-apply to the NH Department of Safety, Division of Motor Vehicles.

Mr. Roy and Mr. Karcz will visit the site at 11:00 am on Tuesday March 23, 2010 to ascertain compliance with the terms of the Consent to Modification and Amendment to the Site Plan for Lothian Automotive.

At 7:20 pm Member Derek Downing joined the meeting.

CAPITAL IMPROVEMENTS PROGRAM (CIP)

The Board has contracted with Rockingham Planning Commission, funded through the 2010 Targeted Block Grant (TBG), for assistance in defining an annual update process for the Capital Improvements Program (CIP). Mr. Groth reported that he will speak with Glen Greenwood about a timeline and who at Rockingham Planning Commission should meet with the Board to fulfill the CIP portion of the contract and report back to the Board.

The Board agreed to continue moving forward with the CIP information and process. Mr. Barham outlined how the process should work, and will draft a table for the Members to review.

ALBERT & JOYCE WITHAM/THAYER FAMILY TRUST LOT LINE ADJUSTMENT

MAP 3 LOT 001 (internal parcels 1-1-45 & 1-1-46 of the Countryside Estates) and Map 5 Lot 058

Present: Rick St. Jean representing Mr. Witham, Surveyor Dave Hislop, Abutter Richard Pollinger; and John Beland, owner of the home on internal site 1-1-45.

Mr. Barham opened this Public Meeting at 7:30 p.m. and read the notice of the meeting which was as follows:

Notice is hereby given that the Fremont Planning Board will conduct a Public Meeting at 7:30 pm on Wednesday March 17, 2010 at the Fremont Town Hall, Basement Land Use meeting room to consider a Lot Line Adjustment between Map 3 Lot 001 (internal parcels 1-1-45 & 1-1-46 of the Countryside Estates) Fremont, New Hampshire owned by Albert and Joyce Witham, 58 Brown Road, Deerfield NH; and Map 5 Lot 058 owned by Thayer Family Trust, Charles L. Thayer, Jr. Trustee, P.O. Box 751, Newcastle, NH.

The purpose of the proposed Lot Line Adjustment is to:

- 1. Convey 10,000 sq. ft. from Map 3 Lot 001 (internal parcel 1-1-46) to Map 5 lot 058.*
- 2. Convey 10,000 sq. ft. from Map 5 Lot 058 to Map 3 Lot 001 (internal parcel 1-1-45).*
- 3. Adjust the lot lines between the internal parcels of Map 3 Lot 001 involved by conveying 892 sq. ft from parcel 3-1-1-46 to 3-1-1-45.*
- 4. Correct a 40 sq. ft. bearing error between the Thayer property (Map 5 Lot 058) and the Witham property (Map 3 Lot 001) from S68°07'09"E, as shown on the previous as-built plan (D-36043), to S68°09'34"E.*

Proposed results:

- The total areas for Map 5 Lot 058 and Map 3 Lot 001 are proposed to remain the same as prior to the Lot Line Adjustment because the area conveyed from each lot and the area received by each lot are equal.*
- The final area for Map 3 Lot 001(internal parcel 1-1-45) is proposed to increase from 79,282 sq. ft. to 90,214 sq. ft.*
- The final area for Map 3 (internal parcel 1-1-46) is proposed to decrease from 47,782 sq. ft. to 36,890 sq. ft.*

You are invited to attend in person or by counsel or agent.

A copy of the plan can be viewed at the Fremont Town Hall during regular business hours.

It was noted that this hearing was noticed on February 24, 2010 at the Fremont Post Office and

Fremont Town Hall and in the Manchester Union Leader on March 15, 2010. The applicant and all abutters were notified via certified mail on March 5, 2010 and the following returns have not been received: Applicants Witham and Thayer; abutters Bernier, Ferwerda Development, Pepin, Pollinger, Goudin, and Arsenault. The application package included: multiple copies of the plan, proper check amount, letter of intent, list of requested waivers, a copy of the deed and a current list of abutters. Received from Attorney Sharon Rondeau were copies of 2 agreements between Albert & Joyce Witham and Charles Thayer, Jr.; and a quit claim deed all signed by Albert & Joyce Witham. The Board also received a February 4, 2010 statement from Ralph Woodman, Jr. of the law offices of Boynton Waldron Doleac Woodman & Scot, P.A. stating that he represents Mr. Thayer and Mr. Thayer (as owner of Map 5 Lot 058) agrees with the Lot Line Adjustment being requested by Albert and Joyce Witham – by the Witham's and Mr. Thayer exchanging two (2) 10,000 sf parcels of land. Mr. Barham read the October 12, 2009 letter of intent submitted by Albert & Joyce Witham.

Comment sheets were received from:

Building Official Thom Roy = *required due to building placement too close to current, existing lot line.*

Health Officer Thom Roy = *no comment*

Fire Chief Butler = *no problem with this lot line adjustment*

Fremont Conservation Commission = *no comment*

Following review, Mr. Karcz made the motion to approve the waivers to the following Subdivision regulations:

Article III Section 2-E= submit reference plans.

Article III Section 3-L= site specific soils mapping not applicable; no new lots are being created

Article III Sections 4, 5, 6, 7, 8, 9, 10, & 11 = not applicable to this application; no new lots or roadway design will be created.

Article IV Sections 1 = no bond required; 2 = no subdivision; 5 = no amendment: not applicable

Motion seconded by Mr. D. Downing with unanimous favorable vote.

The Board reviewed plan #1417-LLADJ drawn by Knight Hill Land Surveying Services, Inc. (Dave Hislop) and dated November 2009 with revisions on February 17 and 25, 2010. The plan showed the two properties, proposed abandoned lot lines, proposed new lot lines, site rental limit lines, iron pin at lot corners, existing building, 50' building setback line and edge of pavement. Note #1 on the plan explains the existing site details; note #2 explains the purpose of the plan; and note #3 states *"This plan corrects the calculated bearing of N68°07'09"W, on Plan reference 4 (D-36043), to be N68°09'34"W as shown along the Thayer property. This bearing gap area on site 3-1-1-45 is 40 sq. ft. this plan also corrects lot line distances along site 3-1-1-45 due to gap.*

There was a conversation relative to a 16.99 foot wide area left as a result of the land being transferred from internal lot 1-1-46. Mr. St. Jean, Mr. Hislop and the Board all agreed that the easiest fix was to straighten the internal line between lots 1-1-46 & 1-1-47 to meet the bearing of S21°50'26"W. It was agreed to revise the plan to reflect the line correction.

Following further review by the Board, Mr. Karcz made the motion to accept the plan as revised. Motion seconded by Mr. D. Downing with unanimous favorable vote.

After careful consideration by the Board, Mr. Karcz made the motion to approve the Lot Line Adjustment between Map 3 Lot 001 (internal parcels 1-1-45 & 1-1-46 of the Countryside Estates) Fremont, New Hampshire owned by Albert and Joyce Witham; and Map 5 Lot 058 owned by Thayer Family Trust, Charles L. Thayer, Jr. Trustee.

The purpose of the proposed Lot Line Adjustment is to:

5. Convey ten thousand (10,000) sq. ft. from Map 3 Lot 001 (internal parcel 1-1-46) to Map 5 lot 058.
6. Convey ten thousand (10,000) sq. ft. from Map 5 Lot 058 to Map 3 Lot 001 (internal parcel 1-1-45).
7. Adjust the lot lines between the internal parcels of Map 3 Lot 001 involved by conveying eight hundred and ninety two (892) sq. ft from parcel 3-1-1-46 to 3-1-1-45.
8. Correct a forth (40) sq. ft. bearing error between the Thayer property (Map 5 Lot 058) and the Witham property (Map 3 Lot 001) from S68°07'09"E, as shown on the previous as-built plan (D-36043), to S68°09'34"E.

Proposed results:

- The total areas for Map 5 Lot 058 and Map 3 Lot 001 are proposed to remain the same as prior to the Lot Line Adjustment because the area conveyed from each lot and the area received by each lot are equal.
- The final areas for Map 3 Lot 001(internal parcels 1-1-45 and 1-1-46) are subject to the realignment of the internal lot lines between 1-1-46 and 1-1-47 as reflected on the revised plan.

Condition:

Final revised plan and three (3) plan sets are to be submitted no later than March 24, 2010. Motion seconded by Mr. D. Downing with unanimous favorable vote.

Mr. St. Jean was advised of the proper recording fees and he agreed to submit them when he brings the Mylar and plans for the Board to sign.

Mr. Karcz made the motion to close this Public Meeting at 8:15 pm.
Motion seconded by Mr. D. Downing with unanimous favorable vote.

OPEN SPACE PLAN

Mr. Barham reported that Julie LaBranche has sent the final draft of the Open Space Plan report to the Open Space Task Force for their review. Once approved by that group it will be sent to the Planning Board for final review.

WATER RESOURCE MANAGEMENT PLAN – NRI Section of the Master Plan
The Board has received not the draft of the Water Resource Management Plan.

ZONING ORDINANCES

Mr. Groth reported that he did find some ordinances from other Towns and he will send them to the Land Use Office for discussion at the next meeting.

REGULATIONS

1. Small Wind Energy: After some discussion relative to the model ordinance on small wind energy and NH RSA 674:62-66, it was the consensus of the Board Members to not consider

regulation of Small Energy Systems at this time. Mr. Roy will send the information that the Board reviewed about a year ago back around to the Members for further information.

2. Buried Stumps: Mr. Groth stated that he looked into how other Towns deal with designation of where and how far above the water table stumps are to be buried and whether to require test holes to be dug to determine seasonal high water table. The consensus of the RPC planners was that they did not know of regulation for stump burial.

Mr. Groth asked if it may be feasible that stumps be required to be processed. Mr. Roy read from the DES fact sheet on stump and brush management which says "The management of discarded stumps and brush is regulated as a solid waste activity under the provisions of the NH Solid Waste Rules." It says, in part, that DES encourages above-ground management such as shredding (for bio-mass fuels and mulch). On site burial state law exempts the activity from regulation under the solid Waste Rules, provided that the burial site is at least 75 feet from any drinking water supply and local approval is obtained, if required.

REGULATIONS AMENDMENTS

The Board received and reviewed a submission of price quotes from Town Engineer Dan Tatem for him to draft updates to the Site Plan Review and Subdivision Regulations, as requested by the Board. (see the February 24, 2010 minutes for the Board's full request)

The Board agreed that they want to include in the updates items listed under Site Plan Review as Estimates 1- parking lot design, 2 – plan compliance monitoring, and 3 - landscaping. The Board felt that items 1 and 3 are so similar that they could be combined, thus can be done for a lesser rate. Estimates 4 (cross reference for drainage) & 5 (lighting) are not necessary at this time. Under Subdivision; Estimate 1 (Development Agreement) is necessary and should be included. The Members agreed to set aside Estimate 2 (drainage, construction details, landscaping and lighting) until a later date.

Mr. Tatem's estimates were \$1,284 for SPR 1, 2, & 3 and \$952 for SD 1. The estimates included fees for the Project Manager and an internal review. The Members did not feel they should have to pay for an internal review. The Board agreed to ask Mr. Tatem if he can re-work the figures and submit a revised cost estimate as a job lot for these items.

SITE PLAN REVIEW SUBCOMMITTEE

The newly formed Site Plan Review Sub-Committee have met twice and are scheduled to meet again on March 22, 2010 to continue to work on modifying the SPR process so that it will be less cumbersome for applicants who are seeking a permit for a minor commercial operation.

LAWRENCE LOURETTE

197 Sandown Road

Map 1 Lot 005

Mr. Barham stated that the Board has received written statements from several local businessmen attesting that they either bought firewood from, or sold firewood to Mr. Laurette in the 1970's to early 1980's. This is in response to the Boards January 27, 2010 written request to Mr. Laurette that provide some documentation to support his statement of January 1, 2010 that his property, located at 197 Sandown Road Map 1 Lot 005, has had a commercial firewood operation and business since

the mid '70's, and as such pre-dates the Fremont Site Plan Review Regulations as adopted in 1989, and his request for a waiver Site Plan Review as having a pre-existing condition.

Following further discussion by the Board, Mr. Hunter made the motion that the Board consider the commercial use of a welding business and firewood sales at 197 Sandown Road, Map 1 Lot 005, owned by Lawrence Lourette, a pre-existing condition and therefore Site Plan Review is not required.

Motion seconded by Mr. Karcz with unanimous favorable vote.

INCOMING CORRESPONDENCES

1. Received: Notice of the NH OEP Annual Spring Planning & Zoning Conference scheduled for Saturday May 8, 2009. Mrs. Bolduc distributed the information to the Board Members and requested that anyone who wants to attend register through the Land Use Office so she can remit one payment for all.
2. Received: A copy of a March 11, 2010 correspondence from Paul Willis, Director of the Seacoast Soccer Club informing them of a 24-hour fundraising Soccerthon that will take place at their facility on Shirkin Rd. The event will run from 5:00 pm on Friday April 2, 2010 through 5:00 pm on Saturday April 3, 2010. The lights on Field #1 (furthest away from Fremont) will be the only light remaining lit after 10:00 pm and there will be no PA system in use or whistles during that time.

It was noted that there are no operating hours required on the plan or the decision and the only condition that will be violated is the lighting after 10:00 pm.

ACTION ITEMS

From the March 3, 2010 meeting:

- Mr. Groth will talk with Glen Greenwood about a timeline and who at RPC should meet with the Board relative to the CIP and report back to the Board with the answer.
- Mr. Groth will forward some models of zoning ordinances relative to "adult entertainment" and to "nuisance" for the Board's review.
- Mr. Groth will look into how other Towns deal with designation of where and how far above the water table stumps are to be buried and whether to require test holes to be dug to determine seasonal high water table. **Completed.**

From the March 17, 2010 meeting:

- Mr. Barham to draft a table on the CIP process for the Members to review.

Mr. Hunter made the motion to adjourn at 9:55 pm.

Motion seconded by Mr. D. Downing with unanimous favorable vote.

Respectfully submitted,

Meredith Bolduc, Land Use AA/Recording Secretary

PROJECTS PENDING WITH RPC

- CTAP DOT Build-out - funded with CTAP Phase I Funds = **\$10,000**; original completion date of October 28, 2009; moved to end of 2009 – near completion to date.
- Housing Chapter of the Master Plan - funded with CTAP Phase I Discretionary Funds = **\$5,000**; original completion date of December 2008, moved to September 23, 2009; then November 18, 2009; then December 31, 2009. Still pending.
- Inclusionary Housing Zoning Ordinance – funded with CTAP Phase I Discretionary Funds = **\$5,000**; original completion date of May 19, 2009; moved to November 4, 2009. Complete.
- Open Space Plan - funded with CTAP Funds = **\$10,000**; original completion date of May 19, 2009; moved to a tentative completion date of September 16, 2009; final presentation February 24, 2010.
- CTAP Road Map = January 13, 2010- Complete.
- Water Resource portion of the NRI Chapter of the Master Plan – funded with the Targeted Block Grant (TGB) and the Towns share (**\$2,000**) has been paid; original completion date of June 30, 2009; final draft August 5, 2009 – moved to August 31, 2009; then to November 4, 2009, then to end of 2009. Still pending.
- Dark Skies Ordinance - Funded with CTAP Phase II funds = **\$1,750**; completion date of August 1, 2010.
- Future Land Use MP Chapter Update- Funded with CTAP Phase II funds = **\$2,000**; completion date of August 1, 2010.
- Master Plan Audit - Funded with CTAP Phase II funds = **\$3,500**; completion date of August 1, 2010.
- Public Utilities Chapter of the MP update – Funded with the 2010 Targeted Block Grant; (TGB) completion date of June 30, 2010. Paid Towns share of **\$1,000** in December 2009.
- GIS Maps for Public Utilities Chapter of the MP - Funded with the 2010 Targeted Block Grant (TGB); completion date of June 30, 2010. Paid Towns share of **\$1,000** in December 2009.
- CIP Annual Process - Funded with the 2010 Targeted Block Grant (TGB); completion date of June 30, 2010. Paid Towns share of **\$1,000** in December 2009.
- Provide one (1) final paper copy and one (1) electronic version of the updated MP. Provide one (1) final copy of all elements of the CIP annual update process- Funded with the 2010 Targeted Block Grant (TGB); completion date of June 30, 2010. Paid Towns share of **\$1,000** in December 2009.

Updated project timeline table below.

2009 – 2010 Rockingham Planning Projects – CTAP and Non-CTAP

CTAP Phase I

Projects CTAP Phase I	Status	2008 Dec	2009 19 May	2009 28 Oct	2009 04 Nov	2010 13 Jan	2010 17 Feb	2010 24 Feb	2010
Build Out	Pending Final product			Original Comple tion date			Final Presenta tion		
Housing MP	Pending	Projected Completion date							
Inclusionary Ordinance	Complete				Complete				
Open Space Plan	Pending Final product		Original completion date					Final Present ation	

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CTAP Road Map	Complete	Complete
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CTAP Phase II

Projects CTAP Phase II	Status	2010 1 Aug
Dark Skies Ordinance	Pending	Projected Completion date
Future Land Use MP Chapter	Pending	Projected Completion date
Master Plan Audit	Pending	Projected Completion date

NON-CTAP

Projects Non-CTAP	Status	2009 30 June	2010 30 June
WRMPP (2009 TBG)	Pending	Original Completion date	
Public Utilities - MP (2010 TBG)	Pending		Completion Date
GIS Maps for Public Utilities – MP (2010 TBG)	Pending		Completion Date
CIP Process Submittal Materials	Pending		Completion Date
1 final copy of updated MP, CIP elements	Pending		Completion Date